

Express Mail Label No. EV 326 972 939 US

Attorney Docket No. 37167-8040.US01 (13724-850)



Applicant: Johnson *et al.*
 Serial No.: 09/916,235
 Filing Date: July 25, 2001
 Patent No. 6,962,587
 Issue Date: November 8, 2005
 For: Tissue Monitoring and
 Characterization Apparatus and
 Method

Examiner: VRETTAKOS, P.
 Group Art Unit: 3739
 Confirmation No. 6858

Date of Notice of Allowance: SEPTEMBER 22, 2004

Correction of Entity Status and Payment of Deficiency
in Fees Under 37 CFR §1.28(c)

Mail Stop Post Issue
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Statement of Facts in accord with 37 CFR §1.28(c)(1)

1. Small Entity Status of this application was established by an assertion in writing January 19, 1998. All fees paid to date for examination of the application have been paid at the small entity rate.

2. Subsequent to the filing date, Applicant's Representative became aware that the above-referenced application became subject to Large Entity fees in 2003.

3. Thus, the entity status of the present application was established in good faith at the time of filing the application, yet should now be large entity.

PAYMENT OF FEES IN ACCORD WITH 37 CFR §1.28(c)(2)

02/21/2007 AWONDAF1 00000071 09916235

01 FC:1251

120.00 0P

Enclosed herewith is a check in the amount of **\$755.00**, which covers the difference in fees paid.

37167-8040.US01/LEGAL13032338.1

02/21/2007 TTRAN2 00000059 502207 09916235

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01 FC:1501

10.00 DA

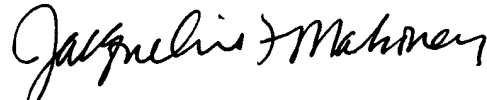
1390.00 0P

ITEMIZATION OF THE DEFICIENCY IN PAYMENT IN ACCORD WITH 37 CFR §1.28(c)(2)(i-ii)

Description of Fee	Date Fee was Submitted to USPTO	Small Entity Fee Paid	Deficiency in Fee
1-mo. Time Extension	August 13, 2004	\$55.00	\$55.00
Issue Fee	December 16, 2004	\$700.00	\$700.00

Although no additional fees are believed to be required than those shown above, the Commissioner is hereby authorized to charge any deficiency in fees (or credit any overpayment) to Deposit Account 50-2207; a duplicate of this communication is provided.

Respectfully submitted,



Jacqueline F. Mahoney
Registration No. 48,390

Date: Feb. 15, 2007

Correspondence Address:

Customer No. 22918

Ph: 650 838-4410



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Alexandria, VA 22313-1450

Sir:

1. Transmitted herewith are the following:
 - ☒ A Notice of Change to Large Entity Status with Statement
 - ☒ A Check in the amount of **\$755.00** covering the fees due.
2. Entity Status
 - ☒ Large Entity Status (37 CFR §1.9 and 1.27) is proper for this case.
3. Conditional Petition for Extension of Time:
An Extension of Time is requested to provide for timely filing if necessary for timely filing of this transmittal and enclosures.
4. Provisional Fee Authorization
Please charge any underpayment in fees for timely filing of this transmittal and enclosures to Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP

Jacqueline F. Mahoney
Registration No. 48,390

Date: Feb. 15, 2007

Correspondence Address:

Customer No. 22918
Phone: (650) 838-4410